

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Eric BORNSTEIN  
Title: NEAR INFRARED MICROBIAL ELIMINATION LASER SYSTEM  
Appl. No.: 10/649910  
Appl. Filing Date: 8/26/2003  
Examiner: David M. Shay  
Art Unit: 3769  
Confirmation Number: 5770

**REQUEST FOR CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

Submission required under 37 C.F.R. §1.114: (check items that apply)

Enclosed are:

[ X ] Amendment/Reply.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate		Fee Totals
RCE Fee 1.17(e):				\$810.00	=	\$810.00
Total Claims:	-	20	= 0	x	\$52.00	= \$0.00
Independents	2	-	3 = 0	x	\$220.00	= \$0.00
First presentation of any Multiple Dependent Claims:				+	\$390.00	= \$0.00
CLAIMS FEE TOTAL:						= \$810.00

[ X ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ ] Extension for response filed within the first month:	\$130.00	0	\$0.00
[ ] Extension for response filed within the second month:	\$490.00		\$0.00
[ ] Extension for response filed within the third month:	\$1,110.00		\$0.00
[ ] Extension for response filed within the fourth month:	\$1,730.00		\$0.00
[ X ] Extension for response filed within the fifth month:	\$2,350.00		\$2,350.00
EXTENSION FEE SUBTOTAL:			\$2,350.00
EXTENSION FEE ALREADY PAID:			-
EXTENSION FEE TOTAL			\$2,350.00
CLAIMS AND EXTENSION FEE TOTAL:			\$3,160.00
[ X ] Small Entity Fees Apply (subtract ½ of above):			\$1580.00
[ ] Suspension of action requested under 37 C.F.R. § 1.103(c)			\$0.00
TOTAL FEE:			\$1,580.00

The above-identified fees of \$1,580.00 are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date Feb. 22, 2010

FOLEY & LARDNER LLP  
Customer Number: 48329  
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By



John M. Garvey  
Attorney for Applicant  
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